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6 Attorneys for
SEQUOIA INSURANCE COMPANY
7 in its capacity as liability insurer for
DEFENDANT THE ESTATE OF JOSEPH AGGIO, deceased

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 VALENTI AGGIO, DOROTHY L. AGGIO
12 and LIVIO J. AGGIO,

13 Plaintiffs,

14 v.

15 ESTATE OF JOSEPH AGGIO, deceased,

16 Defendant.

No. C 04 4357

Order Withdrawing

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE MOTION FOR
SUMMARY JUDGMENT**

17
18 Plaintiffs Valenti Aggio, Dorothy L. Aggio and Livio J. Aggio ("Plaintiffs") and Sequoia
19 Insurance Company, on behalf of the Estate of Joseph Aggio ("Defendant") hereby stipulate as
20 follows:

21 (1) Defendant will withdraw its pending motion for summary judgment to allow the
22 parties to conduct discovery;

23 (2) The parties acknowledge that in so stipulating the Defendant does not waive or in any
24 way prejudice its right to later bring a motion for summary judgment; and

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STIP AND [PROPOSED] ORDER TO
CONTINUE THE MSJ (Case No. C 04 4357)

1 (3) The motion for summary judgment of Wednesday, September 7, 2005 can be taken off
2 calendar.

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5
6 DATED: August 30, 2005

FARELLA BRAUN & MARTEL LLP

7
8 By: Louise M. Korman for

Dennis M. Cusack

9 Attorneys for Plaintiffs

10 VALENTI AGGIO, DOROTHY L. AGGIO

11 and LIVIO J. AGGIO

12
13 DATED: August __, 2005

ARCHER NORRIS

14
15 By: Rand L. Chritton

16 Attorneys for Defendant,

17 SEQUOIA INSURANCE COMPANY, ON

18 BEHALF OF THE ESTATE OF JOSEPH AGGIO

19
20 IT IS SO ORDERED that the hearing date for Defendant's motion for summary judgment
21 is hereby taken off calendar.

22
23 DATED this 6th day of August, 2005

24 Phyllis J. Hamilton
HONORABLE PHYLLIS J. HAMILTON

25 SE1164/438934-1

26
27 STIP AND [PROPOSED] ORDER TO
28 CONTINUE THE MSJ (Case No. C 04 4357)